



Case Number **ZC-18-166**

**ZONING MAP CHANGE
STAFF REPORT**

City Council Meeting Date:
March 5, 2019

Council District 6

Zoning Commission Recommendation:

Denial by a vote of 9-0

Opposition: 3 letters submitted

Support: None

Continued	Yes <u>X</u>	No <u> </u>
Case Manager	<u>Lynn Jordan</u>	
Surplus	Yes <u> </u>	No <u>X</u>
Council Initiated	Yes <u> </u>	No <u>X</u>

Owner / Applicant: **Nagy Mansour**

Site Location: 5600 McCart Avenue Mapsco: 90T

Proposed Use: **Auto Repair**

Request: From: "E" Neighborhood Commercial

To: PD/E Planned Development for "E" Neighborhood Commercial plus auto repair with waivers to residential adjacency, side and rear yard setback, signage; site plan included

Land Use Compatibility: Requested change **is not compatible.**

Comprehensive Plan Consistency: Requested change **is not consistent (Significant Deviation).**

Staff Recommendation: **Denial**

Background:

The proposed site is located on the west side of McCart Avenue, neighborhood connector, south of Walton, a collector on the city's Thoroughfare Plan. The applicant is proposing to rezone from "E" Neighborhood Commercial to PD/E Planned Development for "E" uses plus auto repair. Auto uses are first allowed in the "FR" General Commercial Restricted district by right.

The current use of the property is a convenience store, with state inspections and minor repairs. The property was built back in 1968 in which cumulative zoning allowed for those uses up until the mid 1980's therefore the current use and one bay can remain. However the building cannot be expanded and the services provides cannot be expanded to more general auto repair from the inspection services.

Multiple waivers would be required for auto repair to be located at this site. Any automotive repair or paint and body shop use must conform to the supplemental standards in section 5.104 of the zoning ordinance. These standards state that "No repairs shall be conducted on any premises that adjoin any residential district boundary." As this case is adjacent to an "A-5" One Family district to the west, approval of this case would also include approval of this waiver necessary for the auto repair use to be allowed adjacent to a residential district.

Section 5.104 also states “No auto repair shall be permitted to have bay doors face a one- or two-family district.” There is one bay door that faces the “A-5” zoning district to the west, which also requires a waiver. Additionally, no screening is provided for a parking/storing area for cars awaiting repair.

Staff has indicated to the applicant that additional screening with trees on the west side of the property on the site plan above the minimum required to screen the view of any bay doors from the adjacent “A-5” zoning district.

Requirement	E District	Proposed PD/E
Front Yard	0 ft. when fronting an arterial	Approx. 12.5 ft. (complies)
Side Yard	10 ft. min. projected	25 ft. building (Complies)
Rear Yard	20 ft. supplemental with 5' bufferyard	Existing pole sign (Waiver required)
Height	3 stories or 45 ft. max.	One story, 19'5" (Complies)
Parking	4 spaces/1,000 sq. ft. for retail; 2 spaces per bay door (minimum parking ratio required)	2,040 sq. ft. convenience store, State inspections - 8 spaces 3 bay doors – 6 spaces 14 spaces provided (Complies)
Signage	Monument sign 8 x 16- 96 sq. ft.	Two existing pole signs no longer permitted (Waiver required)
Fencing	Adjacent to residential solid screening fence (wood, masonry, brick, stone)	Solid 6' masonry screening fence along west property line where adjacent to residential zoning (Complies)
Buffering to One-Family	5 ft. landscaped bufferyard with trees every 25 ft.	Provide additional plantings along West property line Indicated will comply.
Vehicles accepted for repair adjacent to residential, Section 5.104	1) Automotive Repair; Paint and Body Shops located on property <u>adjacent to a one- or two-family</u> residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge along the property line adjacent to, or across an alley from, the one or two-family	The site plan does not indicate any outside fenced storage area. No cars may be parked or stored outside of a building for repair. The applicant has explained no cars will be stored outside for repair. (Waiver required)

	residential use. 2) All other Automotive Repair; Paint and Body Shops <u>within 200 feet</u> from any one or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge on all property lines facing the residential use.	
No repairs shall be conducted on any premises that adjoin any residential district boundary	NA	Adjacent to A-5 district to the north and west; (Waiver Required)
No auto repair shall be permitted to have bay doors face a one- or two-family district.	NA	One bay door faces adjacent A-5 district to the west Applicant indicates there is not a door to the west; (Site Plan must be revised or a Waiver Required)

The case was continued from the December 12, 2018 Zoning Commission hearing to allow more time for the applicant to meet with the neighborhood. At the hearing, the property owner expressed concerns that his business was affected by the new Quik Trip to the north and he's trying to find a new business. In response to questions about where the parking will be located for cars held for repair, the applicant indicated that he intended to use the 14 provided parking spaces that are required for the retail business. Additionally, he explained that they do minor auto repair and do not intend to keep cars overnight.

The applicant has indicated a neighborhood meeting was held on January 8, 2019 in which the neighborhood expressed support. A letter of support has been received from the South Hills South NA.

The applicant has submitted a revised site plan relocating the dumpster out of the supplemental setback. The applicant mentioned there would not be a bay door facing west, however there is one indicated on the site plan and staff has been told that has always been the request. No additional plantings or screening were addressed for the western property line.

At the February 13 Zoning Commission meeting, the applicant mentioned that all repairs will be inside the building and the overhead doors would be closed if not in use. Individual property owner opposition has been received with concerns about the auto use, other uses in the building, and the operations.

Site Information:

Owner/Agent: Nagy Mansour
216 Longford Court
Keller, TX 76248
Acreage: 0.45 acres
Comprehensive Plan Sector: Wedgewood

Surrounding Zoning and Land Uses:

North "A-5" One-Family / single-family
East "E" Neighborhood Commercial / commercial strip center
South "E" Neighborhood Commercial / commercial
West "A-5" One-Family / single-family

Recent Relevant Zoning and Platting History:

Zoning History: ZC-13-107 request to PD/E plus auto repair/sales, denied at City Council 10/07/13, subject property to the south;
ZC-16-210 request to PD/ER for insurance office building, denied at City Council 02/08/17, subject property to the north

Platting History: None

BOA History: BA-003-041 approve request for a variance in an "E" Neighborhood Commercial District to permit the continued use of an automotive repair shop, a non-residential use within (200) feet of a one-or two-family use, without providing the required six (6) foot screen type fence or evergreen planting along the property lines.

Site Plan Comments:

The site plan as submitted is not in general compliance with the zoning regulations.

1. No repairs shall be conducted on any premises that adjoin any residential district boundary. **(waiver required)**
2. No auto repair shall be permitted to have bay doors face a one- or two-family district. **(waiver required)**
3. One existing pole sign encroaches into the rear yard supplemental setback. **(waiver required)**
4. (FYI) Staff has reached out to the applicant asking to provide additional plantings along West property line.
5. Provide the actual setback from the property line along McCart Avenue.
6. Provide setback from west property line.
7. Provide exterior building façade material for existing and proposed buildings, not calculations.
8. (FYI) The existing pole signs should they be approved cannot be altered in any way other than maintenance.
9. Indicate the surface material for the project.

Compliance with the item noted above shall be reflected on the site plan or waivers are required.

TPW/Transportation and Public Works site plan comments: No comments at this time

Platting Comments: No comment

Fire Comments: No comments at this time

Water Department: No comment

(Comments made by Platting (Subdivision Ordinance), Transportation/Public Works, Fire, Parks and Water Department staff cannot be waived through the Zoning Commission and City Council. Approval of the zoning site plan does not constitute the acceptance of conditions.)

Transportation/Access

Street/Thoroughfare	Existing	Proposed	In Capital Improvements Plan (CIP)
McCart Ave.	Neighborhood Connector	Neighborhood Connector	No
Walton Ave.	Collector	Collector	No

Public Notification:

300 foot Legal Notifications were mailed on November 27, 2018

The following organizations were notified: (emailed November 28, 2018)

Organizations Notified	
South Hills South NA *	Wedgwood East NA
Westcreek Central NA	South Hills NA
District 6 Alliance	Streams and Valleys Inc.
Trinity Habitat for Humanity	Fort Worth ISD

Within this registered neighborhood association.

Development Impact Analysis:

1. **Land Use Compatibility**

The applicant is proposing a zone change to PD/E plus auto repair facility. The PD request will add the auto uses to the “E” Neighborhood Commercial district; site plan included.

Surrounding land uses consist of single-family zoning to the north and west, commercial strip center to the east and commercial businesses to the south. No auto uses are currently in the area. While the auto repair is likely to provide services to the area residents, the proposed auto repair facility indicates a new overhead door facing toward the residential uses and no screened storage area. Auto repair is typically too intense when adjacent to single family uses. The proposed zoning **is not compatible** at this location.

2. **Comprehensive Plan Consistency**

The 2018 Comprehensive Plan designates the site as Neighborhood Commercial in which auto related uses are not permitted. The proposed PD/E zoning is not consistent with the following Comprehensive Plan policies.

- Protect residential neighborhoods from incompatible land uses, disinvestments, encroachment, speculation, demolition, neglect, and other negative forces.
- Separate incompatible land uses with buffers or transitional uses. Some land uses have attributes such as height, proportion, scale, operational characteristics, traffic generated, or appearance that may not be compatible with the attributes of other uses.

The proposed zoning **is not consistent (Significant Deviation)** with the Comprehensive Plan.

Attachments:

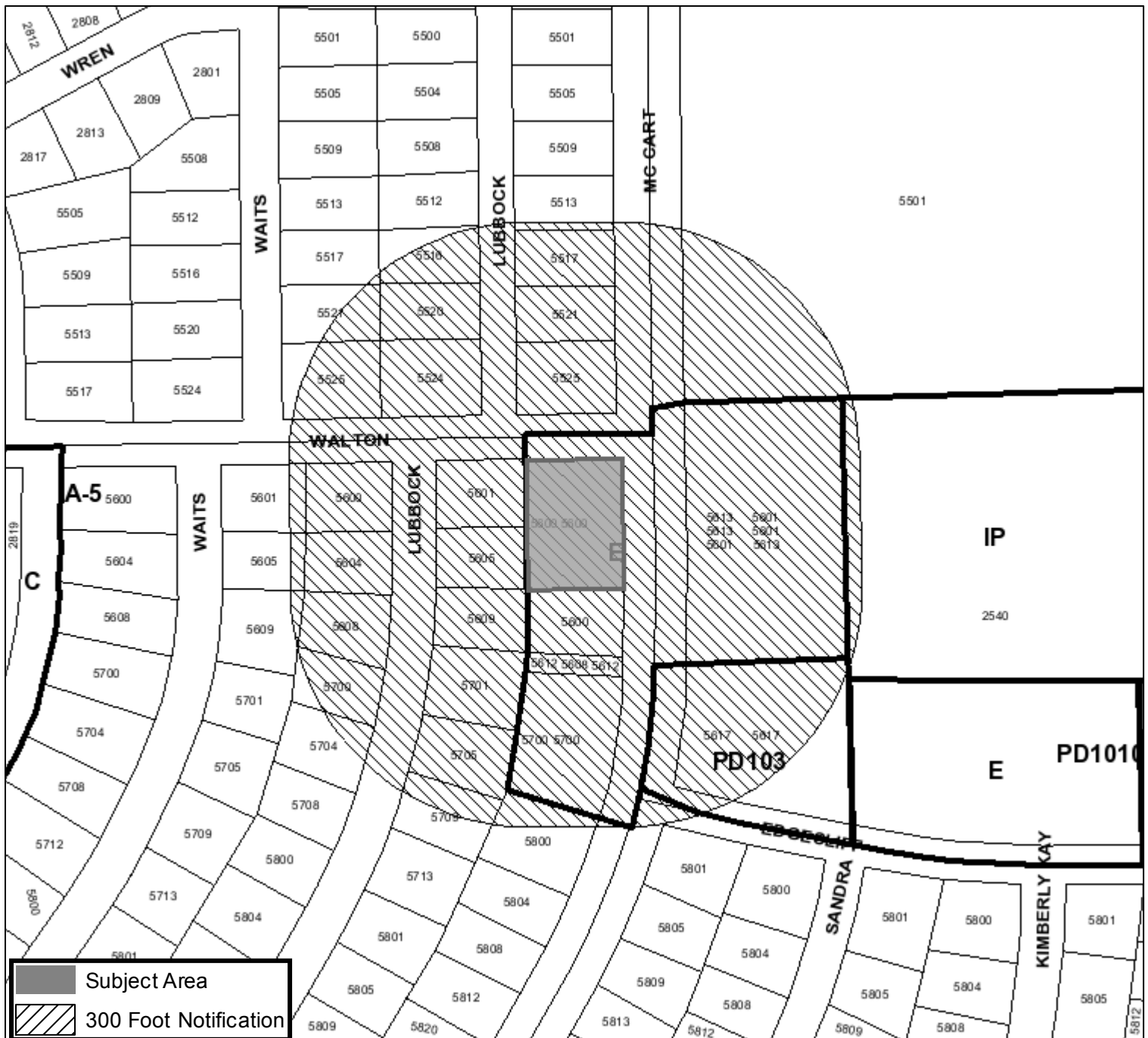
- Location Map
- Area Zoning Map with 300 ft. Notification Area
- Future Land Use Map
- Aerial Photograph
- Site Plan
- Minutes from the Zoning Commission meeting



ZC-18-166

Area Zoning Map

Applicant: Nagy Mansour
Address: 5600 McCart Avenue
Zoning From: E
Zoning To: PD for E uses plus auto repair
Acres: 0.45957812
Mapsc0: 90T
Sector/District: Wedgwood
Commission Date: 12/12/2018
Contact: 817-392-2495



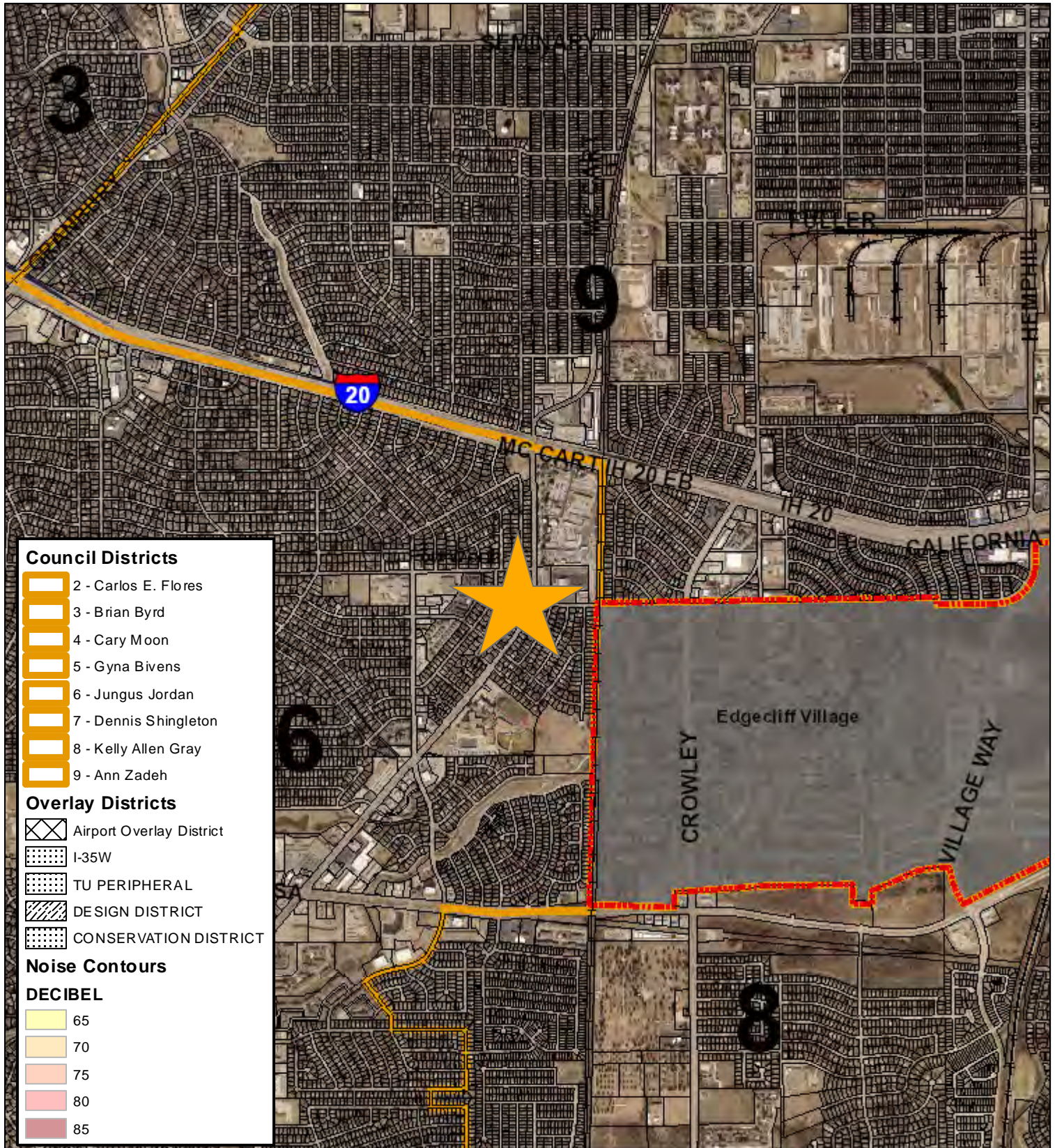
0 90 180 360 Feet

Created: 11/20/2018 2:54:30 PM



ZC-18-166

Area Map



0 1,000 2,000 4,000 Feet

Site Notes:

1. All provided lighting will conform to lighting code.
2. All signage is existing and shall not be altered.
3. All existing and new site surface material is and will be concrete.
4. Existing building material is brick w/ stone accent and addition shall be brick w/ stone accent to match existing.

Waivers Sought:

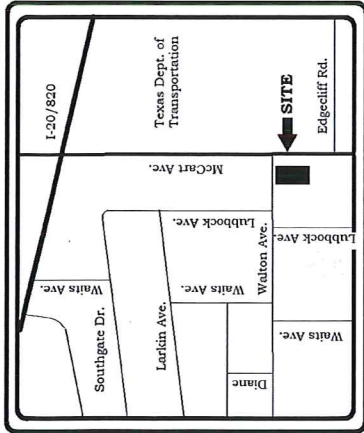
1. 5.104 (c) [no repairs conducted on any premises that adjoin any residential district boundary].
2. 5.104 (d) [no auto repair shall be permitted to have bay doors face a one- or two-family district].
3. Request that existing pole signs be allowed to remain as-is.

LEGEND

PROPERTY LINE
UTILITY EASEMENT
WOOD FENCE
B.L. = building line

VICINITY MAP

NTS



RECEIVED
NOV 29 2018

SITE DATA:

LAND USE: 'E' - COMMERCIAL
LAND AREA: 19,200.00 SQ.FT.
EXISTING USE: CONVENIENCE STORE, DELI, GAS STATION AND AUTOMOTIVE GARAGE
SLAB AREA: EXISTING 2,040 SQ. FT.
ADDITION 903 SQ. FT.
TOTAL 2,943 SQ. FT.
LOT COVERAGE: 23.275%
BUILDING STORIES/HEIGHT: 1 STORY/19'-5 1/2"
PARKING PROVIDED: 14 SPACES

MATERIAL SCHEDULE FOR ADDITION

WALL AREA (ALL IN SF)	SOUTH	EAST	WEST
TOTAL FACADE AREA	467.00	396.00	396.00
FACADE SF EXCLUDING DOORS & WINDOWS	467.00	273.00	315.00
DOORS & WINDOWS	0.00	123.00	81.00
FACADE CALCULATIONS			
BRICK	467.00	100%	396.00
	100%	100%	100%

SITE PROPOSAL PLAN

SCALE: 1" = 10'

NOTE: THIS IS NOT A CONSTRUCTION DOCUMENT.
THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY.

Director of Planning and Development:

Date:

McCart Service Center
ZONING CASE NO. ZC-18-166

SP
SHEET NUMBER
11/29/18

REVISION DATE
11/28/18

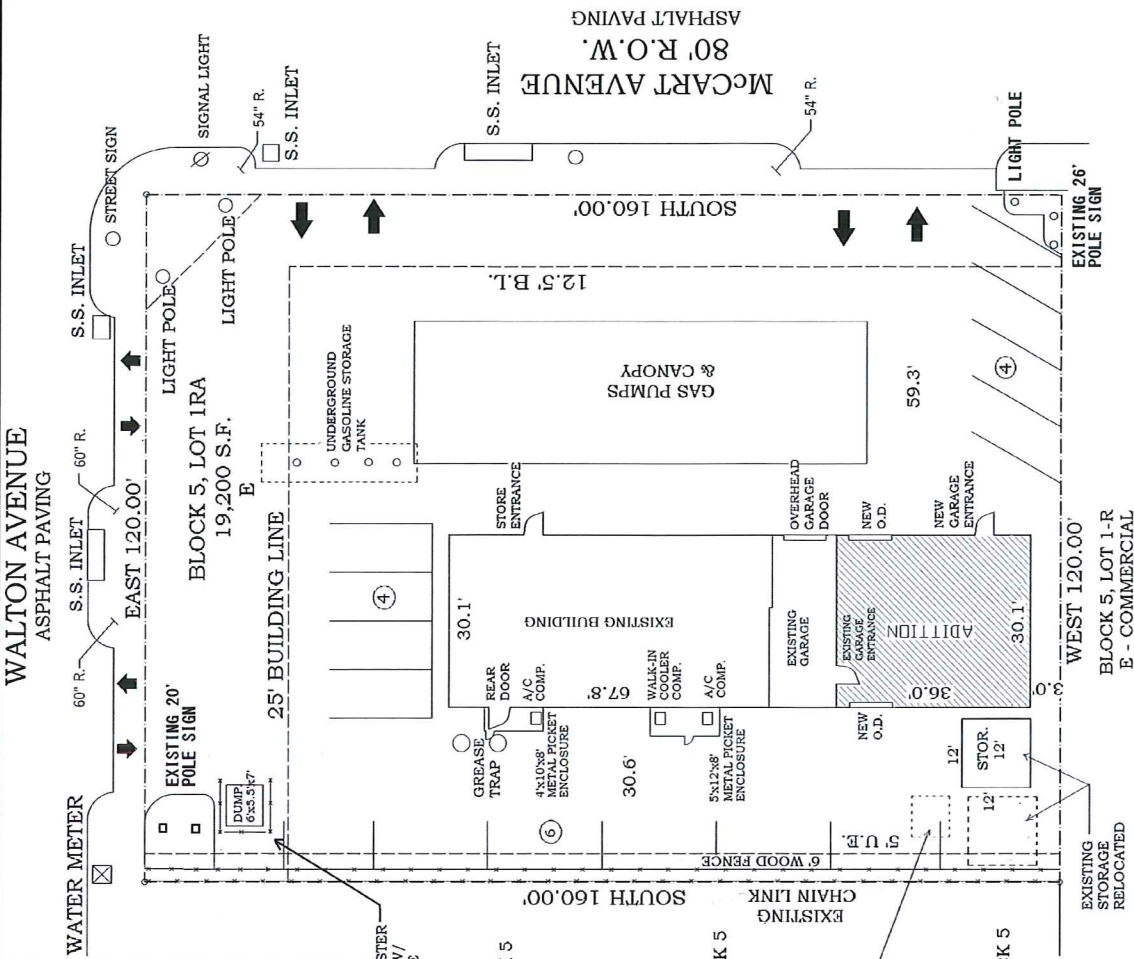
ARCHITECTS SEAL

CONCEPTUAL SITE PLAN
McCart Service Center
5800 McCart Avenue
Fort Worth

CONCEPTUAL SITE PLAN
DRAWING TITLE:

DESIGN & CONSTRUCTION L.L.C.
2022 Woodstock Rd. Ft. Worth, TX 76108
214-471-1485

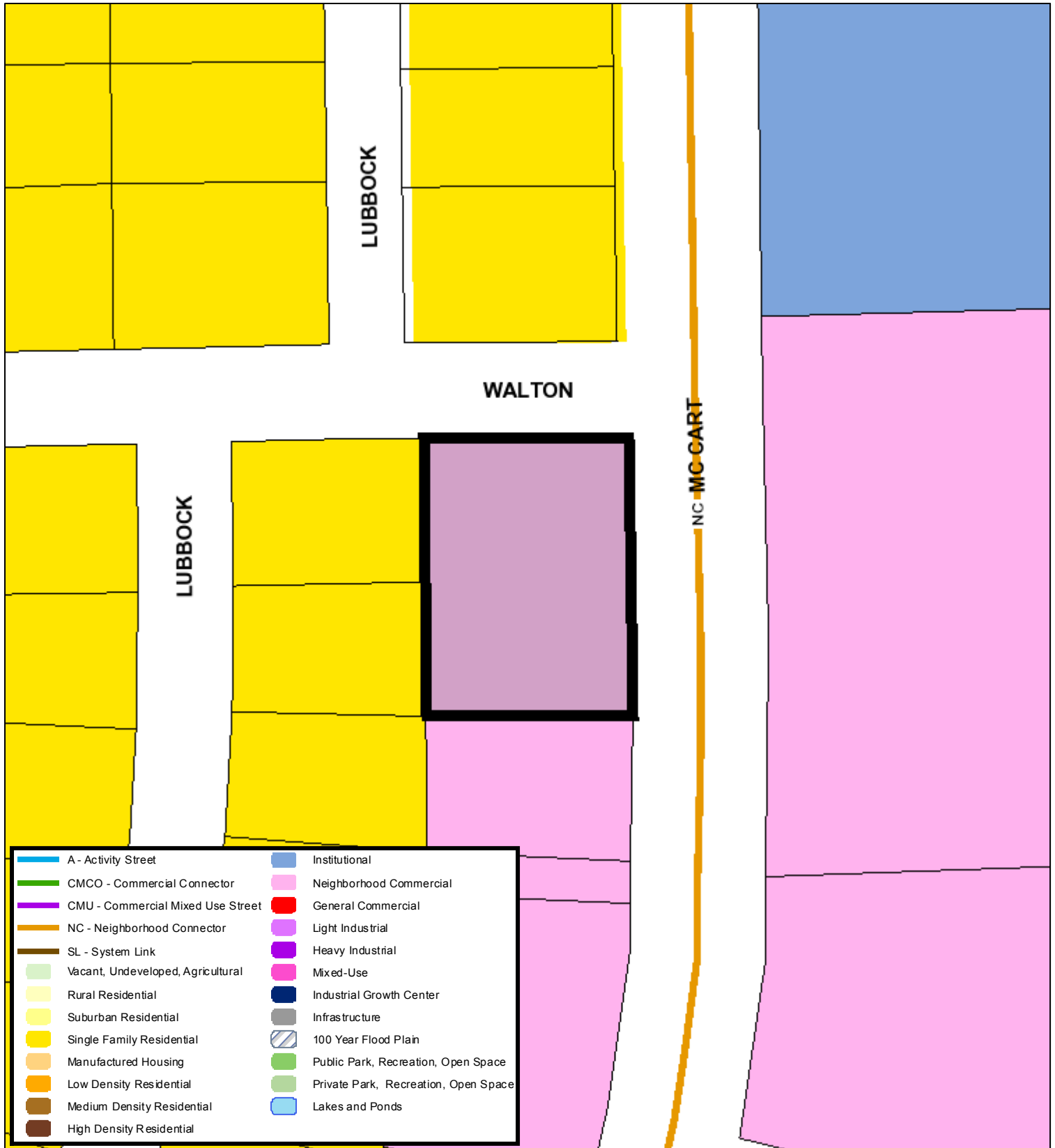
CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND CONDITIONS
ON THE FIELD AND NOTIFY
THE PROJECT OF ANY
DISCREPANCIES, OMISSIONS
OR OVERTS BEFORE ANY WORK
BEGINS.





ZC-18-166

Future Land Use



80 40 0 80 Feet

A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



Aerial Photo Map



0 50 100 200 Feet



DRAFT
City of Fort Worth, Texas
Zoning Commission
February 13, 2019 – Meeting Minutes

Present:

Will Northern, Chair, District 1
Wanda Conlin, Vice Chair, District 8
Jennifer Trevino, District 2
Beth Welch, District 3
Jesse Gober, District 4
Rafael McDonnell, District 5
Sandra Runnels, District 6
John Aughinbaugh, District 7
Kimberly Miller, District 9

Staff Members Present:

Dana Burghdoff, Assistant Director
Jocelyn Murphy, Planning Manager
Lynn Jordan, Planner
Laura Evans, Planner
Melinda Ramos, Sr. Assistant City Attorney
Tyler Wallach, Assistant City Attorney II

Absent:

None

Public Hearing – 1:00 P. M.

Ms. Murphy explained the procedure to be followed for the Zoning Commission meeting.

I. Minutes

The Commission, on a motion by Mr. McDonnell, seconded by Ms. Conlin, with a vote of 9-0, approved the Zoning Commission minutes of the January 9, 2019 meeting.

Video on individual cases can be viewed at the following website.

http://fortworthgov.granicus.com/ViewPublisher.php?view_id=2

II. Continued Cases

1. ZC-18-166 Nagy Mansour (CD 6) – 5600 McCart Avenue (Southwest Hills Addition Lot 1-R Block 5, 0.46 ac.) From: “E” Neighborhood Commercial To: PD/E Planned Development for “E” Neighborhood Commercial plus auto repair with waivers to residential adjacency, side and rear yard setbacks, signage; site plan included

Scott O’Toole, representing the applicant, stated that they are asking for three waivers – to keep an existing sign, the proximity to residential zoning, and having a bay door facing residential zoning. He stated that some of the opposition is due to gaming machines in the store, which were removed. He also stated that any vehicles that are kept overnight will be stored inside the garage and the rear facing garage door is mostly for circulation and inspections. He said McCart Ave. is already heavily trafficked and the added auto business would not bring additional traffic to the area.

Motion: Following brief discussion, Ms. Runnels recommended Denial of the request, seconded by Ms. Conlin. The motion passed unanimously 9-0.

Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Scott O'Toole	5409 Lubbock		Support		Representing applicant
South Hills South NA			Support		Sent letter
Barbara Fife	2704 Larkin Ave			Opposition	Sent letter
Nellie Cicotte				Opposition	Sent letter
Nelda Wilkerson	2832 Larkin Ave			Opposition	Sent letter
Luisa Masters	6148 Springleaf Cir			Opposition	Sent letter
Becky Bownds	5508 Dian Dr		Support		Sent letter

2. ZC-18-169 Jerry & William Wilson (AX-18-006) (CD 7) – 2250 Texan Dr (W.N. Sample Survey Abstract No. 1207, 41.22 ac.) From: Unzoned To: “I” Light Industrial/Fort Worth Alliance Airport Overlay

Andy Gabbert, representing the applicant, stated they are zoning the property in anticipation of annexation. He stated adjacent properties will also be rezoned.

Motion: Following brief discussion, Mr. Aughinbaugh recommended Approval of the request, seconded by Ms. Conlin. The motion passed unanimously 9-0.

Document received for written correspondence					ZC-18-169
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Andy Gabbert	5015 NW Canal St, Riverside, MO		Support		Representing applicant

3. ZC-18-177 City of Fort Worth Planning & Development: Text Amendment: Create Conditional Use Permit (CD ALL) Request: An Ordinance amending the Comprehensive Zoning Ordinance of the City of Fort Worth, being Ordinance No. 21653, as amended, codified as Appendix “A” of the Code of The City of Fort Worth (2015), by amending:

- Chapter 4, “District Regulations” To Amend
 - Article 1, “General” To Add Conditional Use Permit to the list of districts established,
 - Article 3, “Planned Development “PD” District” to revise language in conformance with the creation of Conditional Use Permits;
 - Article 4 “Overlay Districts” To Add Section 4.407 “Conditional Use Permit” to provide for regulations and processes applicable to Conditional Use Permits;
 - Articles 6, 8, And 12, “Residential Use Table,” “Nonresidential District Use Table” And “Form-Based Districts” respectively to remove special exception designations and replace with Conditional Use Permit Designations; And
- Chapter 5, “Supplemental Use Standards” to add certain uses and standards in conformance with the creation of the Conditional Use Permit

Micah King	111 Congress Ave				Representing Alemeda Villas; spoke at hearing
Judd Pritchard	6051 Valley View				Representing the applicant; spoke at hearing
Terry J Fricks			Support		Sent letter
Tad Bird			Support		Representing All Saints Episcopal School; Sent letter

III. New Cases

3. ZC-18-166 Nagy Mansour (CD 6) – 5600 McCart Avenue (Southwest Hills Addition Lot 1-R Block 5, 0.46 ac.) From: “E” Neighborhood Commercial To: PD/E Planned Development for “E” Neighborhood Commercial plus auto repair with waivers to residential adjacency, side and rear yard setbacks, signage; site plan included

Nagy Mansour, owner of the property, stated he has owned the property since 1997. He stated their business has suffered since QT opened on the corner of McCart and I-20, and that adding the auto uses would help them. He stated there is a 10 foot setback from the residences that is screened with a wood fence. He also stated if cars had to be held overnight they would park them in the bays.

Louisa Masters, spoke in opposition. She stated that this has been discussed at a South Hills Neighborhood Association, although they have not voted on it. She discussed concerns with traffic on McCart, parking overflowing into the neighborhood, and game rooms. She asked for a continuance.

During the rebuttal Mr. Mansour stated that parking was discussed at the meeting. He also stated there will be two employees and that there are not any game rooms. He does not think adding a bay door will substantially increase the traffic.

Motion: Following brief discussion, Ms. Runnels recommended a 60-day continuance, seconded by Mr. McDonnell. The motion passed unanimously 7-0.

<i>Document received for written correspondence</i>					ZC-18-166
Name	Address	In/Out 300 ft. notification area	Position on case		Summary
Nagy Mansour	216 Longford Ct. Keller, Tx		Support		Representing the applicant
Louisa Masters	6148 Springleaf Cir				

4. ZC-18-179 Juan Marquez (CD 2) – 7200 Marvin Brown St, 7201 and 7205 Gillis Johnson St. (Lake Crest Estates Lots 15-17 Block C, 0.86 ac.) From: “A-5” One-Family, PD 423 Planned Development/Specific Use for specialty woodworking and manufacturing; site plan waived To: “A-5” One-Family (7201 Gillis Johnson) and Amend PD 423 Planned Development to add mobile home for residential use, remove woodshop and add indoor